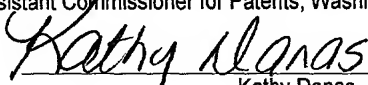


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JC928 U.S. PTO  
01/24/02

CERTIFICATE OF EXPRESS MAILING	
NUMBER	EL 522 496 695 US
DATE OF DEPOSIT	January 24, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.	
 Kathy Danas	

JC825 U.S. PTO  
10/056188  
01/24/02

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Dkt. No.: 4020.000582

Prior Serial No.: 09/292,242

Prior Application Examiner: Ambrose, M.

Prior Group Art Unit: 1626

**BOX PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR FILING DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/292,242, filed April 15, 1999, entitled "LBELED PHOSPHOINOSITIDES AND ANALOGUES".

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/292,242 as originally filed, including specification, claims, original declaration and transmittal documents. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/292,242.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

- ☒ 2. Enclosed is a check in the amount of \$706.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 8 below.

**CLAIMS AS FILED IN THE PRIOR  
APPLICATION LESS CLAIMS CANCELED BELOW**

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$ 370.00
Total Claims	34 - 20 =	14	\$ 9.00 =	\$ 126.00
Independent Claims	8 - 3 =	5	\$42.00 =	\$ 210.00 .00
Multiple Dependent Claim(s) -----				\$ 0.00 -0-
<b>TOTAL FILING FEES:</b>				<b>\$ 706.00</b>

- ☒ 3. Applicant is entitled to Small Entity Status for this application.

☐ (a) A small entity statement is enclosed.

☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired (copy enclosed).

☐ (c) Small entity status is no longer claimed.

☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Williams, Morgan and Amerson, P.C. Deposit Account No. 50-0786/4020.000582.

☐ 5. Enclosed is a copy of the original Power of Attorney document in the prior application.

☒ 6. Address all future communications to:

Shelley P.M. Fussey  
WILLIAMS, MORGAN & AMERSON, P.C.  
7676 Hillmont, Suite 250  
Houston, Texas 77040  
(713) 934-7000

☒ 7. The prior application is presently assigned to Nutrimed Biotech (copy of prior Assignment attached).

☒ 8. Enclosed is a Preliminary Amendment (including Exhibits A and B; and two copies (cleaned and marked) of a substitute specification). Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

☒ 9. Cancel in this application claims 2-20 of the prior application before calculating the filing fee (at least one original independent claim must be retained).

- ☐ 10. Amend the specification by inserting before the first line the sentence: --This is a divisional of co-pending application Serial No. \_\_\_\_\_ filed \_\_\_\_--.
- ☐ 11. Enclosed are formal drawings of \_\_\_\_\_ and \_\_\_\_\_ on a total of \_\_\_\_ sheets.
- ☒ 12. The present paper constitutes Applicant's compliance with their duty of disclosure under 37 C.F.R. §1.56. Please make all prior art of record in parent application Serial No. 09/292,242 of record in this case, including that cited by the Office and Applicants. As a courtesy, the following is enclosed:
- ☒ (a) Copies of PTO-1449s from prior application, listing Refs. A1 and C1-C24.
- ☐ (b) Copies of IDS citations.
- ☐ 13. Transfer the sequence information, including the computer readable form previously submitted in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, for use in this application. 37 C.F.R. § 1.821(e).
- ☒ 14. Two substitute specifications (cleaned and marked versions).
- ☒ 15. Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i).
- ☒ 16. Return Receipt Postcard.

Respectfully submitted,



Shelley P.M. Fussey  
Reg. No. 39,458  
Agent for Applicants

WILLIAMS, MORGAN & AMERSON, P.C.  
7676 Hillmont, Suite 250  
Houston, Texas, 77040  
(713) 934-4079

Date: January 24, 2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Rajindra Aneja
	Title	Labelled Phosphoinositides and Analogues
	Atty Docket Number	4020.000599

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

24 Jan, 2002

Date



Signature

Shelley P.M. Fussey; Reg. No. 39,458

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.